

**Minutes
City Council/Redevelopment Agency
City of Huntington Beach**

Monday, June 3, 2002
5:00 P.M. - Room B-8
7:00 P.M. - Council Chambers
Civic Center, 2000 Main Street
Huntington Beach, California 92648

An audiotape of the 5:00 p.m. portion of this meeting
and a videotape of the 7:00 p.m. portion of this meeting
are on file in the Office of the City Clerk.

Call to Order

Mayor Cook called the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to order at 5:00 p.m. in Room B8.

City Council/Redevelopment Agency Meeting Roll Call

Present: Dettloff, Boardman, Cook, Houchen, Winchell, Bauer (Green arrived at 5:05 p.m.)
Absent: None

(City Council) Study Session Held – Presentation Made by the Citizens Participation Advisory Board (CPAB) to Review CPAB/Staff Recommendations for the 2002/2003 Community Development Block Grant (CDBG) Program – Directed Staff to Provide Breakdown of CDBG Administration Funding Category (340.70)

City Administrator Ray Silver introduced Housing/Redevelopment Manager Gus Duran, who informed Council that the allocation for 2002/2003 Block Grant Program is \$1,668,000. Housing/Redevelopment Manager Duran explained the application process to Council and referred to the packet handout titled *City of Huntington Beach-Community Development Block Grant Program*. He stated the staff recommendation differs from CPAB's recommendations and introduced CPAB Chair Jim Moreno.

Mayor Cook requested a roll call of the Citizens Participation Advisory Board (CPAB) members.

Roll Call-Citizens Participation Advisory Board

Present: Jim Moreno, Jackie Canigiani, Linda Couey, Steve Garcia, James Hayden, Patricia Jacobs-Pilette, Gerald Lipson, Steve Ray, Charles Tyler
Absent: Adrienne Albino, Roy Richardson, Caleb Zia

CPAB Chair Moreno referred to a Late Communication titled *Citizens Participation Advisory Board, June 3, 2002* and outlined the process the Board appointees used to reach their recommendations for funding being submitted to Council. He informed Council that CPAB received twenty-eight applications, and based on the testimony and information collected, CPAB provided Council the best recommendations that reflect the needs of the city's Community Development Block Grants (CDBG) Enhancement areas. CPAB Chair Moreno stated the Board attempted to keep the recommended amount as close to last year's funding levels. Chair

Moreno thanked Council for allowing CPAB the opportunity to do this important work for the City.

City Administrator Silver informed Council that there were ten agencies worthy of recommendation but due to lack of funds they could not be recommended.

CPAB member Jackie Canigiani stated that the organizations recommended show strong community involvement and many with the help of volunteers.

CPAB member Steve Ray mentioned that various agencies have created a synergy with each other and the existing relationships only enhance each agency.

Council Member Houchen asked why CPAB allocated \$20,000 less than requested to the Alabama Storm Drain Construction Program. CPAB member Ray responded that funding was appropriated for Park Improvements due to the requirements of the American Disabilities Act (ADA). Administrator Silver reported that there were three parks, for which funding was requested: one park has multiple uses and needs the playground equipment upgraded to meet standards, thus the Board determined that this park most deserved the funds.

Council Member Houchen asked if Working Wardrobes was part of the Project Self Sufficiency Program. CPAB Chair Moreno replied they are not affiliated but do work closely together and are a great benefit to the city. Council Member Houchen recommended that everyone donate his or her clothing to Working Wardrobes. CPAB Member Jacobs informed Council that Working Wardrobe offers both men and women's clothing and also access to a computer. Chair Moreno stated he was very impressed with Working Wardrobes because they will also assist with resume preparation.

Council Member Dettloff expressed her thanks to the Board for its work. She inquired why there was a difference in funding for the Project Self Sufficiency and Senior Outreach Programs. CPAB Chair Moreno responded the Board tried to keep the funding as close as possible as in previous years. Council Member Dettloff also asked if any of the agencies expressed how any cut backs from their current request would affect them. Chair Moreno stated that most agencies reported on how less funding would affect them and the Board did the best they could with the funds available to allocate as fairly as possible.

City Administrator Silver mentioned that the Adult Day Services, Council on Aging, Huntington Beach Community Clinic, and Working Wardrobes were part of the synergy and it was important to fund them and providing no funds would directly hurt those programs.

CPAB Chair Moreno informed Council that the Huntington Beach Community Clinic was included because it provides invaluable service for the residents who are without health insurance.

The Board and Council continued to discuss the reasons behind CPAB's recommendations versus staff recommendations. City Administrator Silver asked staff what impact the proposed reductions would have on each program. Staff responded the reductions would impact part-time and full time employees, hours of operation, senior transportation, marketing and professional services. CPAB Chair Moreno stated that there is a real need to fund Code Enforcement.

A direction was given to staff to provide a breakdown of the CDBG Administration funding category.

Mayor Cook thanked the CPAB members and staff for their reports.

Motion to Recess to Closed Session – Approved

A motion was made by Boardman, second Houchen to recess to Closed Session on the following items. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council) Closed Session – Pursuant to Government Code Section 54956.9(a) to confer with its attorney regarding pending litigation which has been initiated formally and to which the city is a party. The title of the litigation is **Opp v. City of Huntington Beach, et al.**; Court of Appeals, Fourth Appellate District, Division 3, Case No. G025947 (Opp I); and **Opp v. City of Huntington Beach, et al.**; Orange County Superior Court Case No. 748927 (Opp II). Subject: **Opp v. City of Huntington Beach, et al. (Opp I and Opp II).** (120.80)

Reconvened City Council/Redevelopment Agency Meeting – 7:00 P.M. – Council Chambers.

City Council- Redevelopment Agency Roll Call

Present: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
Absent: None

(City Council) City Attorney's Report of Action Taken by the City Council in Closed Session on June 3, 2002 (Pursuant to Government Code §54957.1(a) (2) Re: Opp v. City of Huntington Beach, et al., Court of Appeals Case No. G025947 (Opp I); and Opp v. City of Huntington Beach, et al., Orange County Superior Court Case No. 748927 (Opp II) – City Attorney Announced Reports Out of Closed Session Given in August 20, 2001 and February 19, 2002 were Not Legally Required (120.80)

City Attorney Gail Hutton reported out that on Monday, June 3, 2002 the City Council convened in closed session to discuss the matter of Opp v. City of Huntington Beach, et al., Court of Appeals Case No. G025947 (Opp I); and Opp v. City of Huntington Beach, et al., Orange County Superior Court Case No. 748927 (Opp II). Subsequent to the meeting of June 3, 2002 the City Attorney's Office furnished a communication which sets forth that the City Council approved the following:

1. That the City Council direct the City Attorney to report out the following action previously taken:

While the Brown Act, Government Code §54957 et seq., in no way requires the City Council to report out indemnification for punitive damages, the City Attorney would like to take this opportunity to report that during the Closed Session earlier this evening, June 3, 2002, concerning Opp v. City of Huntington Beach, OCSC Case No. 748927, the City Council directed the City Attorney to report out the following:

"On August 20, 2001, and again on February 19, 2002, the City Council voted in closed session to indemnify the individual defendants in Opp v. City of Huntington Beach, OCSC Case No. 748927, against the punitive damages judgment. In support of this decision, the City Council made the following findings, only, both August 20, 2001, and again on February 19, 2002:

- (1) The acts or omissions of the individual defendants occurred within the course and scope of his or her employment as an employee of the City of Huntington Beach;
- (2) At the time of the act giving rise to the liability, the employee or former employee acted, or failed to act, in good faith, without actual malice and in the apparent best interest of the public entity; and
- (3) Payment of the judgment should be in the best interest of the City."

The Council voted as follows: 6 Ayes; 1 No; 0 Abstentions. Ayes: Mayor Debbie Cook, Ralph Bauer, Pam Houchen, Peter Green, Shirley Dettloff and Grace Winchell.
No: Connie Boardman.

The Council further approved, without requesting that it be reported out:

2. That the City Council further reject the settlement offer made by Plaintiff on May 22, 2002.
3. The Council authorized counsel to immediately commence to prepare a writ to the appellate court in the event of failure of the motion to expunge the lien recorded against the defendants' property.

The Council voted as follows: 7 Ayes; 0 Noes; 0 Abstentions.

Pledge of Allegiance – By J. Michael Johnson, Sr., American Legion Huntington Beach, Post 133.

The City Clerk Announced Late Communications

Pursuant to the Brown (Open Meetings) Act, the City Clerk announced Late Communications regarding agenda items that had been received by her office following distribution of the agenda packet:

Communication dated May 28, 2002 from Ted D. Conley, Esq, of the Petersen Law Firm re: the Opp v. City of Huntington Beach Closed Session purported indemnification of the Opp Defendants for punitive damages is a violation of clearly established constitutional law, and giving notice that the City cannot pay for the separate defense of any defendant as a result of the City's own litigation seeking to prohibit such punitive damage payments. Communication titled Opp v. City of Huntington Beach: et al., OCSC Case No. 748927.

Communication dated June 3, 2002 from Economic Development Department transmitting a PowerPoint presentation titled *McDonnell Centre Business Park CFD – June 3, 2002 – Agenda Item D-1*. Communication titled Late Communication – Item D-1.

Communication from Scot D. Campbell dated May 31, 2002 regarding the proposed Park In-Lieu Fee and submitting some public policy recommendations, and the suggestion of

implementing a Roof Cover Tax. Communication titled *Round Table Discussion Section 254.08 & 230.20*.

Slide show presentation submitted by the Planning Department to the City Clerk's Office on June 3, 2002 titled *Huntington Beach Park Strategy and Fee Nexus Study*.

Communication dated June 2, 2002 from Jean Polkow transmitting her objection to the proposed appointment of Barbara Boskovich to the Mobile Home Advisory Board. Communication titled *Agendized Item E-3*.

Communication dated May 29, 2002 from Charlie Butler transmitting his opposition to the proposed Redevelopment Plan for the Southeast Coastal Redevelopment Project and listing concerns. Communication titled *Redevelopment*.

Communication dated June 3, 2002 and titled *Late Communication – Item F-1* from the Economic Development Department transmitting a PowerPoint presentation titled *Proposed Southeast Coastal Redevelopment Project Plan Adoption – June 3, 2002 – Item F-1*.

Slide show presentation submitted by the Community Services Department to the City Clerk's Office on June 3, 2002 titled *Youth Sports Grant Program – Fiscal Year 2001/2002*.

The Following Additional Late Communications Were Submitted at the Meeting:

Communication from Jim Moreno, Chair of the Citizens Participation Advisory Board dated June 3, 2002 regarding the CPAB recommendations to Council.

Communication dated June 3, 2002 from the Orange County Building Industry Association (BIA) in opposition to Zoning Text Amendment No. 01-02.

Communication from the Economic Development Department dated June 3, 2002 titled *Proposed Southeast Coastal Redevelopment Project Area*.

Power Point presentation from Public Works Department titled *Santa Ana River Protection/Clean-Up*.

Later in the meeting Council Member Green distributed a communication from the Los Angeles Times titled *EPA (Environmental Protection Agency) Says Toxic Chemicals Pose Cancer Risk*.

Presentation by Mayor Debbie Cook to Mark Hunt, Special Projects Coordinator, Second Harvest Food Bank; a proclamation proclaiming June 2002 as a City-Wide Food Drive Month in the City of Huntington Beach. (160.40)

Presentation by Mayor Debbie Cook to Officers of American Legion Post 133 Huntington Beach-“Surf City's Own Since 1919,” a proclamation proclaiming June 14, 2002 as Flag Day. J. Michael Johnson, a representative of the American Legion Post 133 presented Mayor Cook a surfboard woody and announced that on June 14, 2002 they will be retiring a flag at 7 p.m. (160.40)

Public Comments

Nina Vogel asked Council to consider the request from Friends of Huntington Harbour sports grant application and restore the tennis courts.

Tay Norton a Rainbow After School Care representative, asked for Council's help with the restoration of the Huntington Harbour Tennis Courts. She stated that if the courts were restored their organization would pay for the equipment and maintenance. Ms. Norton expressed her appreciation of Council's consideration of the matter.

Hal Anderson stated that all children should be able to play at the tennis courts and asked Council to help with the restoration.

Sierra Shoemaker Marine View Middle School representative, conveyed to Council that she is a single mother and how difficult it is to get her daughter to a tennis court because there is not one locally. Ms. Shoemaker stated her daughter and other children will benefit greatly by restoring the Harbour View School Tennis Courts.

Jennine Studer informed Council that the Friends of Huntington Harbour have received \$15,000 for restoring the Huntington Harbour Tennis Courts. She stated her belief that this amount in addition to the \$12,000 grant requested by the Friends of Huntington Harbour Youth Sports should take care of the repairs.

Trent Wylde stated he is a parent with pre-teenage children in the Huntington Harbour area, and that the closest tennis court is at Graham Street and Edinger Avenue which makes it difficult for his children. Mr. Wylde urged Council to approve the grant request.

Marilyn Koeller, Save our Kids Board Member, stated that she had spoken to Council three times regarding the Huntington Harbour Tennis Courts. Ms. Koeller expressed the belief that restoring the courts at Harbor View School would attract younger families to the area, and requested Council to support the refurbishment of the Huntington Harbour Tennis Courts.

Chuck Beauregard, Chair of Save Our Kids, informed Council that the Youth Sports Program has a good distribution of funds for soccer, tennis, and other sports, and Huntington Harbour Tennis Courts is included. Mr. Beauregard also stated he opposes the petition in circulation relative to districting and reduction of Council membership from seven to five members.

Tom Sullivan informed Council that he lives within walking distance of the Huntington Harbour Tennis Courts and requested Council to consider refurbishing them.

Debbie Borden protested the absence of the Invocation from the Agenda.

Bruce Millikan opposed the petition being circulated that would amend the City Charter to establish five districts rather than electing seven council members at large. He stated that the Park In-Lieu Fee Ordinance was an extreme measure. Mr. Milikan informed Council that the Taste of Huntington Beach event raised \$18,000.

Dave Guido, Huntington Beach Coastal Commission Association President, spoke in support of the Southeast Coastal Redevelopment Plan. He stated that the area needs this plan in order to

clean up the many waste sites and remove oil tanks to make way for the future. Mr. Guido thanked everyone involved with this effort.

George Mason requested Council to adopt all of the recommended actions regarding the Southeast Coastal Redevelopment Plan. Mr. Mason expressed his belief that this will benefit the entire city and is a positive step forward into the future of this area.

Greg Arbues, Project Self Sufficiency (PSS) representative, spoke in support of the Foundation receiving grant funds. Mr. Arbues stated the city has supported this program since 1985 and has received recognition and also support from the community.

Kittie Thomas informed Council that she lives on Terry Drive and requested assistance regarding the hazardous conditions due to speeding; that she has had to call the Police Department various times because the speeders are putting children at risk. Ms. Thomas stated she has also called Code Enforcement informing them that a car dealership's employees are parking in the Terry Drive area, which she believes to be a violation.

Brian Rechsteiner spoke in opposition to the petition being circulated to amend the City Charter by reducing Council membership from seven to five members. Mr. Rechsteiner expressed his hopes the citizens will get the facts before signing said petition.

Don McGee expressed his opposition regarding the petition proposing to amend the City Charter to council districting. He urged citizens not to sign the petition because it would not be in the best interest of the City.

Dominick Tomaino informed Council that he is in full support of the Youth Sports Grant Program and expressed the belief that Friends of Huntington Harbour added versatility. Mr. Tomaino spoke against the petition being circulated on the proposed amendment relative to districting.

Topper Horack spoke against the petition being circulated to amend the City Charter relative to district elections and which would reduce the City Council from seven to five council members. Mr. Horack reasoned that at present the citizens have the opportunity to speak to seven Council Members, and with districting a citizen would have only one Council representative.

Woody Smith, Marine View Middle School student, informed Council that if the Huntington Harbour Tennis Courts were fixed, his mother could teach him tennis.

Kendall Phelan requested Council to consider the funding to resurface the Huntington Harbour Tennis Courts. Ms. Phelan stated she attends Marine View Middle School and could play tennis on the weekends.

Joey Racano spoke opposing the presentation on NBC Television by Monica Mazura, head of the Orange County Health Agency, because she did not use the opportunity to speak against the 301-H Federal waiver which would relieve the county from complying with Clean Water Act standards. He commended Dr. Jan Vandersloot for his environmental work with the League of Conservation Voters. Mr. Racano also stated that he felt the Southeast Coastal Redevelopment Plan was not a good idea.

Diane Adams invited all to the concerts at BB Jazz where Keiko Matsue will be playing. Ms. Adams presented other upcoming events in December 2002 and stated the concerts raise money for children who have autism.

Don Hansen asked Council to vote yes on the Southeast Coastal Redevelopment Plan. Mr. Hansen stated that this Plan represents an opportunity for an area of the city that truly needs help.

(City Council) Council Committee Report – Accepted Competitive Services Committee Recommendation to Direct the City Administrator to Negotiate Environmental Services (NES) Contract Extension through FY 2006-07 for Diesel Powered Street Sweeping Services – Directed Staff to Develop Strategy Policy in Place for City Sweeper Use (800.10)

The City Council considered a communication from Council Member Pam Houchen, Chair, Competitive Services Committee on behalf of Council Members Shirley Dettloff and Grace Winchell transmitting that at the May 20, 2002 City Council meeting, the City Council voted to refer the issue of a five-year contract extension with Nationwide Environmental Services (NES) for street sweeping services to the Competitive Services Committee for review.

The Communication further sets forth that the Committee met on May 28, 2002 and voted two to one (Houchen opposed) to recommend that the City Council direct the City Administrator to negotiate an extension of the city's contract with NES through FY 2006-07, using diesel powered street sweepers, and pursuant to the terms identified in NES's letter of March 4, 2002. Staff estimates that this option will cost between \$1.34 million and \$1.44 million over the life of the contract.

A copy of the analysis and material staff provided the Committee was included with this memorandum.

Council Member Winchell announced that she was on the committee's prevailing side favoring the recommended action and presented the *Competitive Services Committee PowerPoint Report*, which was included in the agenda packet. She stated that based on the current budget, July 1, 2002 is the deadline to purchase new diesel sweepers. She referred to Air Quality Management District requirements, which sets forth that any new sweeper purchased after July 1, 2002 must be environmentally efficient, however she stated the options are not technologically advanced. Council Member Winchell informed Council that the committee concluded that it is better to direct the City Administrator to negotiate an extension of the city's contract with Nationwide Environmental Services through FY 2006-07, using diesel powered street sweepers, and pursuant to the terms identified in NES's letter of March 4, 2002, which would give the City time to develop a strategy and policy for the future.

Council Member Green read from an article from the *Los Angeles Times* dated June 1, 2002, which sets forth that according to the Environmental Protection Agency toxic chemicals pose added cancer risk.

The City Council Members commenced discussion and explained their reasons behind the choices of options No. 1 through No. 4 as set forth in the PowerPoint presentation.

Merits were debated regarding the continuance or non-continuance of the current side-by-side street sweeping contract; whether city employees should perform the service, which would require the purchase of new equipment. Discussion was also held relative to the type of fuel to be used due to the need for environmentally cleaner machines.

A motion was made by Dettloff, second Winchell, to direct the City Administrator to negotiate an extension of the city's contract with NES through FY 2006-07, using diesel powered street sweepers, and pursuant to the terms identified in NES's letter of March 4, 2002, and to direct staff to develop a strategy policy in place for city sweeper fuel use. The motion carried by the following roll call vote:

AYES: Dettloff, Cook, Winchell, Bauer
NOES: Green, Boardman, Houchen
ABSENT: None

(City Administrator's Report) Presentation of Departmental Highlights on (1) Phase II of the Huntington Harbour Sewer Lining Project and (2) Arterial Highway Rehabilitation Project (600.60/800.40)

Director of Public Works Robert F. Beardsley presented an oral review of two Consent Calendar Agenda Items; (1) accept bid and award construction contract to Insituform Technologies, Inc. for the Huntington Harbour Sewer Lining Project, Phase II; CC-1174, and (2) to adopt Resolution No. 2002-55 approving the submittal of ten arterial highway rehabilitation projects to the Orange County Transportation Authority for Federal Project Assistance Program Funds.

(City Council) Public Hearing Held - Opened and Continued Open from May 6, 2002 - Approved Formation of and Calling for Special Election for City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park Improvement Areas A & B) – Adopted Resolution Nos. 2002-38 through 2002-41 Inclusive – Approved Introduction of Ordinance No. 3557 (350.50)

Mayor Cook announced that this was the time scheduled for a public hearing to consider approval of Boeing's request for City assistance in the formation of a Community Facilities District (CFD) for the McDonnell Centre Business Park second phase to allow Boeing land to be marketed competitively with other industrial properties with CFDs already in place throughout the region. The area is divided into two parts, Area A and Area B, and Boeing has requested funding authority for both areas in an amount of not to exceed \$13,000,000. Boeing is the sole owner of the affected properties.

The Public Hearing notice sets forth that on April 1, 2002, the City Council of the City of Huntington Beach adopted a Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Incur Indebtedness of the Proposed City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park)." Pursuant to the provisions of Chapter 3.56 of the Municipal Code of the City of Huntington Beach and, as applicable, the Mello-Roos Community Facilities Act of 1982, the City Council of the City of Huntington Beach hereby gives notice as follows:

A. The text of said Resolution is as follows: (Res. No. 2002-27)

WHEREAS, this City Council has this date adopted its Resolution entitled "A Resolution of the City Council of the City of Huntington Beach Declaring Its Intention to Establish a Community Facilities District and To Authorize the Levy of Special Taxes Therein," stating its intention to form a community facilities district pursuant to the provisions of Chapter 3.56 (commencing with Section 3.56.010) of the Municipal Code of the City of Huntington Beach and, as applicable, the Mello-Roos Community Facilities Act of 1982 (collectively, the "Law"), for the purpose of financing a portion of the costs of certain public improvements (the "Facilities"), as further provided in said Resolution; and this City Council estimates the amount required for the financing of a portion of the costs of the Facilities to be the sum of \$11,000,000; and in order to finance said Facilities it is necessary to incur bonded indebtedness for each improvement area identified below as "Area A" and "Area B" in the amount of not to exceed \$13,000,000.

Section 2. The bonded indebtedness for each improvement area described in Section 1 is proposed to be incurred for the purpose of financing a portion of the costs of the Facilities, including costs incidental to or connected with the accomplishment of said purposed and of the financing thereof.

Section 3. This City Council, acting as legislative body for Area A, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of \$13,000,000, bearing interest payable semi-annually or in such other manner as this City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds. This City Council, acting as legislative body for Area B, intends to authorize the issuance and sale of bonds in one or more series in the maximum aggregate principal amount of \$13,000,000, bearing interest payable semi-annually or in such other manner as this City Council shall determine, at a rate not to exceed the maximum rate of interest as may be authorized by applicable law at the time of sale of such bonds, and maturing not to exceed forty (40) years from the date of the issuance of said bonds.

Section 4. Monday, May 6, 2002, at 7:00 p.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this City Council, City Council Chambers, City Hall, 2000 Main Street, Huntington Beach, California, be, and the same are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for each improvement area described in Section 1, will conduct a public hearing on the proposed debt issue for each of the improvement areas and consider and finally determine whether the public interest, convenience and necessity require the issuance of bonds of the City of Huntington Beach for each respective improvement area.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Economic Development Director David Biggs gave a PowerPoint presentation from a Late Communication announced earlier by the City Clerk and titled *McDonnell Centre Business Park CFD – June 3, 2002*.

The City Clerk restated for the record, the following Late Communication that pertain to this public hearing.

Communication dated June 3, 2002 from the Economic Development Department transmitting a PowerPoint presentation titled *McDonnell Centre Business Park CFD – June 3, 2002 – Agenda Item D-1*. Communication titled *Late Communication – Item D-1*.

Mayor Cook made remarks to open this public hearing by reading from a script on file with the City Clerk's Office, titled *Script for Use by the Mayor in Conducting June 3, 2002 City Council Agenda Items Related to City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park)*.

Prior to the opening of this hearing, Mayor Cook asked if there were any owners of property in the Improvement Areas or registered voters residing in the Improvement Areas who wished to file written protests.

Mayor Cook declared the public hearing open.

Jim Schulte, Boeing Realty Corporation representative, thanked Council for their support and consideration of this financing.

There being no one further present to speak on the matter and there being no further objections either oral or written, the Mayor declared the public hearing closed.

The City Clerk conducted a special election on the formation of the Community Facilities District and announced the results which was in favor of the following recommended actions:

The formation of the Community Facilities District requires various sequential steps to be taken by the City Council set forth by state law. The recommended actions are the following:

A motion was made by Cook, second Winchell to:

Adopt **Resolution No. 2002-38** – “A Resolution of the City Council of the City of Huntington Beach of Formation of Improvement Area A and Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park);”
and

Adopt **Resolution No. 2002-39** – “A Resolution of the City Council of the City of Huntington Beach Determining the Necessity to Incur Bonded Indebtedness Within Improvement Area A, and Within Improvement Area B, of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park);”
and

Adopt **Resolution No. 2002-40** – “A Resolution of the City Council of the City of Huntington Beach Calling Special Election Within Improvement Area A and Within Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park);”

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: None (Houchen absent from room)

A motion was made by Cook, second Dettloff to:

Request the City Clerk to conduct a special election on the formation of the Community Facilities District and announce results of election;

and

Adopt **Resolution No. 2002-41** – *“A Resolution of the City Council of the City of Huntington Beach Declaring Results of Special Election and Directing Recording of Notice of Special Tax Lien.”*

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: None (Houchen absent from room)

A motion was made by Dettloff, second Cook to:

Introduce **Ordinance No. 3557**, after reading by title by the City Clerk – *“An Ordinance of the City of Huntington Beach Levying Special Taxes Within Improvement Area A and Improvement Area B of the City of Huntington Beach Community Facilities District No. 2002-1 (McDonnell Centre Business Park).”*

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Winchell, Bauer
NOES: None
ABSENT: None (Houchen absent from room)

(City Council) Administrative Public Hearing Opened and Continued from April 15, 2002 – Adopted Resolution No. 2002-48– Approved Certification of Special Assessments for Delinquent Civil Fines for Municipal Code Violations (570.60)

Mayor Cook announced that this was the time scheduled for an administrative public hearing.

The City Council considered a communication from the City Attorney and the City Treasurer setting forth that said hearing is required by the California Government Code Section 38773.5 for the purpose of certifying special assessments against properties where public nuisances have occurred.

Request for Council certification of recording Notices of Special Assessments against private property for the value of unpaid civil fines, plus interest and penalties, pursuant to Ordinance No. 3397 adopted by City Council on June 15, 1998.

The staff report further sets forth that this administrative hearing is required by Huntington Beach Municipal Code 1.18. Only property owners are entitled to speak at this administrative hearing. All other interested parties may speak during the regular *Public Comments* section of the agenda at the beginning of the meeting.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Mayor Cook declared the administrative public hearing open.

As there were no persons present to speak on the matter and there were no protests filed, either written or oral, the Mayor declared the public hearing closed.

A motion was made by Green, second Dettloff to adopt **Resolution No. 2002- 48** entitled "*A Resolution of the City Council of the City of Huntington Beach Certifying Special Assessments for Collecting Delinquent Civil Fines for Municipal Code Violations.*" The motion carried by the following roll call vote:

AYES: Green, Dettloff, Winchell, Bauer

NOES: None

ABSENT: None (Houchen out of the room)

ABSTAIN: Boardman, Cook

(City Council) Public Hearing to Consider Approval of Zoning Text Amendment No. 01-02 (Park In-Lieu Fee Ordinance – Park Land Dedication) Amending Section 254 of the Huntington Beach Zoning and Subdivision Ordinance – Approved Introduction of Ordinance No. 3562 – Adopted Resolution Nos. 2002-56 and 2002-57 – Motion Failed, as Amended, to Use 100% of the City Wide Average (450.20)

Mayor Cook announced that this was the time scheduled for a public hearing to consider the following:

Applicant: City of Huntington Beach Community Services Department

Request: To amend Section 254.08 of the Huntington Beach Zoning and Subdivision Ordinance (ZSO) in reference to park land dedication and in-lieu fees. The amendment includes added language addressing use of fees, method for calculating fees, providing 100% land value park in-lieu fees, off-site requirements, and appeal process.

Location: Citywide

Environmental Status: This Item No. 1 is categorically exempt from the provisions of the California Environmental Quality Act.

Legal notice as provided to the City Clerk's Office by staff had been mailed, published and posted.

Senior Planner Scott Hess presented an oral report. Tom Tucker, Pulse Marketing Consultant and Associate Planner Wayne Carvalho jointly delivered the PowerPoint presentation that had been announced earlier by the City Clerk as a Late Communication.

Mayor Cook declared the public hearing open.

Prior to announcing the public speakers, the City Clerk restated for the record the Late Communications, which pertain to the public hearing that had been announced earlier in the meeting.

Jill Hardy, Planning Commissioner, stated that she is in favor of the park development. She spoke relative to aspects of the proposed fee with regard to site specificity and land value. Ms. Hardy recommended that Section 230 not follow Section 254. She also stated her objections regarding two "fairness" issues brought up by certain interested parties.

Mike Balsamo, Building Industry Association (BIA) representative, informed Council of his nonprofit trade association. He stated his support of the park development. Mr. Balsamo mentioned the Late Communication he submitted, which was announced by the City Clerk. He expressed his belief that the imposed fees are extremely high, in comparison to those of other coastal cities on a list to which he referred. Mr. Balsamo favored a fee calculation using property value, over site specific.

Mike Adams, representing the developer, requested a continuance of the matter. He stated agreement with the staff recommendation of separating out the Section 230 fees and moving forward with Section 254. Mr. Adams presented several reasons for his viewpoint, including: 1.) odd-shaped lots found in the city; and 2.) a preference for a fee calculation using the average value of residence, and not one specific to the site.

Randy Allison, Downtown developer, stated his opinion that the property fee is absurd in comparison with those of other cities. Mr. Allison stated that it is appropriate that the city pay as a whole for maintenance and development.

Rob Moore expressed his belief that the proposal may result in a new residential park-in-lieu fee that is out of sync with other cities, as different ratios are being used. Mr. Moore recommended reaching a moderate increase, so that people would not be priced out of the market.

Dick Harlow, Chamber of Commerce representative, announced his intent to go on record in support of the fee increases. He complimented staff for what he believes to be an enlightened decision in separating Section 230 from 254. Mr. Harlow conveyed that a new issue is the amount of money for site specificity, which is an issue of fairness as brought up earlier by the first speaker, Planning Commissioner Hardy. He stated that as the price of land increases, so does the price of acquisition. Mr. Harlow expressed his opinion that the city has an integrated park system, but the ability to pay does not relate the parks.

There being no persons present to speak further on the matter and there being no further protests filed, either written or oral, the Mayor declared the public hearing closed.

Council addressed the issues brought forward during the public testimony.

Council Member Houchen received clarification that there are no changes on Section 230-02.

Deputy City Attorney Leonie Mulvihill reported on the Quimby Act.

(City Council) (1) Adopted Resolution Nos. 2002-56 and 2002-57 – Approved Introduction of Ordinance 3562 Re: Zoning Text Amendment No. 01-02 (Park In- Lieu Fee Ordinance – Park Land Dedication) Amending Section 254 of the Huntington Beach Zoning and Subdivision Ordinance – (2) Motion Failed to Approve, as Amended, to Use a 100% Fee Calculation of the City-Wide Average (450.20)

A motion was made by Houchen, second Cook to adopt the resolutions and approve introduction of the Ordinance No. 3562 (to follow), as amended by using a 100% fee calculation of the City-wide average.

Council Member Winchell informed Council that she will be voting against the motion on the table for reasons that Quimby does not meet lower density.

The motion on the table with the amendment as set forth above, **failed** by the following roll call vote:

AYES: Cook, Houchen
 NOES: Green, Dettloff, Boardman, Winchell, Bauer
 ABSENT: None

A motion was made by Green, second Dettloff to:

1. Approve Zoning Text Amendment No. 01-02 with Findings for Approval (***Attachment No. 1 immediately following this item**) and after the City Clerk reads by title, approve introduction of **Ordinance No. 3562** – *“An Ordinance of the City of Huntington Beach Amending Chapter 254 of the Huntington Beach Zoning and Subdivision Ordinance Relating to the Dedication and Reservations of Land Parcels;”*

and

2. Adopt **Resolution No. 2002-56** – *“A Resolution of the City Council of the City of Huntington Beach Establishing a Population Density Factor to Be Used to Determine the Amount of Land to be Dedicated by Developers for Park Purposes;”*

and

3. Adopt **Resolution No. 2002-57** – *“Resolution of the City Council Setting the Fee Schedule for the Parkland Dedication In-Lieu Fee Authorized by Zoning and Subdivision Code Section 230.20.”*

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Winchell, Bauer
 NOES: Cook, Houchen
 ABSENT: None

***Attachment No. 1
Suggested Findings for Approval
Zoning Text Amendment No. 01-02**

Suggested Findings for Projects Exempt from CEQA:

The City Council finds that the project will not have any significant effect on the environment and is exempt from the provisions of the California Environmental Quality Act (CEQA) pursuant to City Council Resolution No. 4501, Class 20, which supplements the California Environmental Quality Act. The project is exempt because it involves a minor amendment to the zoning ordinance which does not change the development standards, intensity, or density of the affected districts.

Suggested Findings for Approval – Zoning Text Amendment No. 01-02:

1. Zoning Text Amendment No. 01-02 amending Chapter 254.08 of the Huntington Beach Zoning and Subdivision Ordinance addressing methods to calculate required park land in-lieu fees for residential development is consistent with the objectives, policies, general land uses and programs specified in the General Plan and any applicable specific plan. The revised ordinance will allow the City to collect fees necessary to acquire and improve park and recreational facilities throughout the City consistent with the goals and policies of the General Plan.
2. The change proposed is compatible with the uses authorized in, and the standards prescribed for, the zoning districts for which it is proposed. The revised ordinance will apply to proposals for new residential development and will address the method to calculate required park in-lieu fee for residential development. The ordinance will not create any inconsistencies with other provisions in the Zoning and Subdivision Ordinance because it will only apply to fees for park and recreation facilities.
3. A community need is demonstrated for the change proposed. Based on the information and data collected and analyzed in the Park Strategy and Fee Nexus Study dated December 2001, the new method for determining in-lieu fees will ensure that current land values are utilized when calculating park in-lieu fees. The amendment best meets the goals of the city and is the most equitable and legally defensible.
4. The adoption will be in conformity with public convenience, general welfare and good zoning practice. The revised ordinance will result in the City's ability to provide sufficient recreational opportunities for its residents and visitors consistent with the goals and policies of the General Plan.

Consent Calendar – Items Approved

On motion by Green, second Boardman Council approved the following Consent Calendar items, as recommended. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

(City Council/Redevelopment Agency) Minutes - Approved and adopted the minutes of the City Council/or Redevelopment Agency Regular Meetings of May 20, 2002 as written and on file in the Office of the City Clerk. Submitted by the City Clerk.

(Redevelopment Agency) Received and Filed Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2000-2001 for Submission to the State Controller (400.20) – Received and filed the Annual Report of the Huntington Beach Redevelopment Agency for Fiscal Year 2000-01 for submission to the State Controller as required by S. 33080.1 of the State of California Health and Safety Code (“Redevelopment Law”). Submitted by the Deputy Executive Director. Funding Source: Not Applicable. (Reports are available for public review in the City Clerk’s Office – 105 pages total.)

(City Council) Approved the Appointment of Barbara Boskovich to the Mobile Home Advisory Board (MHAB) for a Term to Expire August 5, 2003 (110.20) – Approved the appointment of Barbara Boskovich as a Citizen At-Large Representative to the Mobile Home Advisory Board filling the vacancy created by the resignation of Mark Porter with a term to expire August 5, 2003, as recommended by City Council liaisons Mayor Pro Tem Connie Boardman and Council Member Peter Green. Submitted by the Economic Development Department. Funding Source: Not Applicable.

(City Council) Approved Amendments to Two Cooperative Agreements with the Orange County Sanitation District for Phase II of the Huntington Harbour Sewer Rehabilitation Projects: (1) CP #0005, CC-1161; and (2) CP #0105 (600.25) – **1.** Approved and authorized the Mayor and City Clerk to execute *Amendment No. 2 to Cooperative Agreement No. 0005* between the Orange County Sanitation District and the City of Huntington Beach; and **2.** Approved and authorized the Mayor and City Clerk to execute *Amendment No. 1 to Cooperative Agreement No. 0105* between the Orange County Sanitation District and the City of Huntington Beach. Submitted by the Public Works Director. Funding Source: None required. (These amendments provide 6 month extension of time for each project.)

(City Council) Accepted Bid and Awarded Construction Contract to Insituform Technologies, Inc. for the Huntington Harbour Sewer Lining Project, Phase II; CC-1174 – Authorized Execution of Contract (600.60) – **1.** Accepted the lowest responsive and responsible bid submitted by Insituform Technologies, Inc., in the amount of \$1,573,821 for Huntington Harbour Sewer Lining Project; CC-1174; and **2.** Authorized the Mayor and City Clerk to execute a construction contract in substantially the same form as the attached sample contract. Submitted by the Public Works Director. Funding Source: Funds totaling \$1,993,800 are budgeted in two Harbour Sliplining, Sewer Improvements Accounts – EPA - \$997,400 and OCSD - \$996,400.

(City Council) Adopted Resolution No. 2002-52 – Approving Side Letter to Memorandum of Understanding (MOU) Between the City and the Huntington Beach Police Officer Association Regarding Detention Officers Hours of Work/Overtime (720.20) – Adopted **Resolution No. 2002-52** – *“A Resolution of the City Council of the City of Huntington Beach Amending the Memorandum of Understanding Between the City and the Huntington Beach Police Officers’ Association, by Adopting the Side Letter of Agreement (Regarding Senior Detention Officers, Detention Officers, and Detention Officer Nurses).”* Submitted by the Administrative Services Director. Funding Source: Not Applicable.

(City Council) Adopted Resolution Nos. 2002-53 and 2002-54 Supporting Grant Applications to the California Energy Commission for Reimbursement and New Funding for Traffic Signal Battery Backup Units (Ten Intersections) (340.80) – 1. Adopted Resolution No. 2002-53 – “Approving Application for Grant Money to Reimburse the City for Installation of Battery Backup Systems for Traffic Signals;” and 2. Adopted Resolution No. 2002-54 – “Approving Application for Grant Money to Fund Battery Backup Systems for Traffic Signals.” Submitted by the Public Works Director. Funding Source: No funds are required at this time. Should grants be approved this fiscal year, an appropriation request from the Air Quality Fund for up to \$125,000 will be submitted to Council.

(City Council) Approved the Release of Guarantee and Warranty Bond (Security) for Tract No. 14355 n/w Corner of Garfield Avenue and Edwards Street – Seacliff Venture, LP/Lennar Homes of California, Inc. (420.60) – 1. Released Guarantee and Warranty Bond Nos. BE2624511 (Seacliff Venture, L.P.) and 111 3346 4286 (Lennar Homes of California, Inc.), the security furnished for guarantee and warranty of improvements; and 2. Instructed the City Clerk to notify the developers, Seacliff Venture, L.P. and Lennar Homes of California, Inc., of this action, and the City Treasurer to notify the Surety Companies. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved the Release of Guarantee and Warranty Bond (Security) for Tract No. 14979 n/w Corner of Gothard Street and Ernest Avenue – SCH Housing No. 3, LLC (420.60) – 1. Released Guarantee and Warranty Bond No. SD00093467, the security furnished for guarantee and warranty of improvements; and 2. Instructed the City Clerk to notify the developer, SCH Housing No. 3 LLC, of this action, and the City Treasurer to notify the Surety Company. Submitted by the Public Works Director. Funding Source: Not Applicable.

(City Council) Approved Special Duty Pay Adjustment for Two Interim Water Operations Management Assignments: (1) Supervisor and (2) Crewleader – Public Works Department (700.20) – 1. Authorized a special duty pay adjustment to Howard Johnson, Water Production Supervisor, of \$8.89 per hour, effective June 10, 2002, and continuing through December 14, 2002; and 2. Authorized a special duty pay adjustment to Jay Kleinheinz, Water Operations Crewleader, of \$3.96 per hour, effective June 10, 2002, and continuing through December 14, 2002. Submitted by the Public Works Director. Funding Source: With the reduced cost of professional services, an overall savings of approximately \$54,000 will be realized in the Water Operations Administration Account.

(City Council) Approved Five Year Agreement Between the City and Robinwood Little League for Rental of Baseball Field Areas in Marina Community Park (600.10) – Approved the five-year agreement titled *Agreement Between the City of Huntington Beach and Robinwood Little League for Rental of Baseball Field Areas* in Marina Community Park, and authorized the Mayor and City Clerk to execute same. Submitted by the Community Services Director. Funding Source: Not Applicable.

(City Council) Adopted Resolution No. 2002-55 Approving the Submittal of Ten Arterial Highway Rehabilitation Projects to the Orange County Transportation Authority for Federal Project Assistance Program Funds (800.40) – Adopted Resolution No. 2002-55 – “A Resolution of the City Council of the City of Huntington Beach Approving the Submittal of Ten Projects to the Orange County Transportation Authority for Funding Under the Federal Project Assistance Program.” Submitted by the Public Works Director. Funding Source: Grant funds up to \$515,500 would be revenue to the Gas Tax Fund (207) for the Arterial Rehabilitation

Project. (The projects currently approved and included in the application are: **1.** Warner Avenue (Springdale to Beach); **2.** Newland Street (Hamilton to Atlanta); **3.** Gothard Street (Ellis to Heil); **4.** Graham Street (Warner to Heil); **5.** Hamilton Avenue (Bushard to Santa Ana River); **6.** Magnolia Street (Atlanta to Indianapolis); **7.** McFadden Avenue (Goldenwest to Sugar); **8.** Springdale Street (McFadden to Edinger); **9.** Warner Avenue (Bolsa Chica to Sims); **10.** Yorktown Avenue (Bushard to Brookhurst).

(City Council) Approved City Council Positions on Legislation Pending Before the State Legislature and/or Congress as Recommended by the City Council Intergovernmental Relations Committee (640.90) – The City Council Intergovernmental Relations Committee has reviewed the legislation, propositions, and ruling below and recommended that the City Council take a position on the following items, and authorized the Mayor to send letters to the legislators reflecting the approved positions: **Motion: Support: Water Resources Development Act 2002** – A federal program to insure the seismic reliability of public water infrastructure in earthquake prone areas. **Oppose: AB 2792 (Negrete, McLeod)** – Public Employees Retirement Contracting Agencies. **Oppose AB 2908 (Goldberg)** – Local Public Employee Organizations. **Oppose: SB 1516 (Romero)** – Public Safety Offices, Procedural Bill of Rights. **Oppose SB 1506 (Romero)** – Meyers-Millias-Brown Act – Retention of Vehicle License Fee (VLF) funds to offset payments. **Oppose AB 1866 (Wright)** – Second Units and Density Bonuses. Submitted by Shirley Dettloff, Council Member, Chair Person Intergovernmental Relations Committee for Mayor Debbie Cook and Council Member Ralph Bauer. Funding Source: None Required.

(City Council) Accepted Quit Claim Deed (Atha Property – Surrender of Oil and Gas Lease) Regarding Beach Maintenance Yard (Near AES Huntington Beach Power Plant) (650.80) - Approved and authorized the Mayor to execute and the City Clerk to attest to the acceptance of the Quit Claim deed from Robert Atha – titled *Quitclaim and Surrender of Oil and Gas Lease*. Submitted by the City Attorney. Funding Source: Not Applicable.

(City Council/Redevelopment Agency) Approved Adoption of the Proposed Southeast Coastal Redevelopment Plan and Certification of the Final Environmental Impact Report for the Southeast Coastal Redevelopment Project (Area Bounded by Hamilton/Newland/Magnolia/Pacific Coast Highway and Excluding Cabrillo Mobile Home Park) – Adopted Resolution Nos. 2002-49, 2002-50 and 2002-51 and Agency Resolution Nos. 336, 337 and 338 – Approved Introduction of Ordinance No. 3561 (450.20)

The City Council considered a communication from the Economic Development/Deputy Executive Director transmitting that with the completion of the joint public hearing on May 20, 2002, the City Council and Agency are able to consider various resolutions that will set policy and lead to considering the ordinance that would adopt the Redevelopment Plan for the Southeast Coastal Redevelopment Project. Resolutions considered are the Agency's and the City Council certification of the Environmental Impact Report (EIR), the City's acceptance of the pass through payments, the expenditure of housing set-aside funds outside the project area, and the approval of the Owner Participation Rules. After these decisions are made, then the City Council will consider the adopting ordinance for the Southeast Coastal Redevelopment Plan.

Funding Source: Implementation of redevelopment programs would be funded primarily from tax increment revenue generated within the Project Area. If the Redevelopment Plan is adopted, the Agency would collect tax increment revenue from 2003-04 to 2046-47. Conservatively, as described in the Agency's Report to the City Council presented at the

May 20, 2002 public hearing, the Agency could obtain approximately \$37.9 million in non-housing redevelopment fund revenues and \$16.7 million in affordable housing fund revenues over this time period for projects that benefit the Project Area.

Economic Development/Deputy Executive Director David Biggs presented the PowerPoint slide report that had been announced earlier by the City Clerk as a Late Communication.

A motion was made by Houchen, second Green to approve the recommended actions (to follow).

Prior to the votes on the motion, Council/Agency Member Boardman announced her opposition, stating the possibility that redevelopment funds proceeds will not be used for cleanup of the Nesi Ascon site.

Discussion followed relative to landscape improvements and buffers around open space areas.

Mayor Cook stated her opposition to the city expending funds towards the Nesi-Ascon cleanup.

A motion was made by Houchen, second Green to:

1. Adopt **Agency Resolution No. 336** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report for the Southeast Coastal Redevelopment Project, Making Certain Findings Regarding the Environmental Impacts of the Project, and Adopting a Mitigation Reporting and Monitoring Program and Statement of Overriding Considerations;”*

and

2. Adopt **Agency Resolution No. 337** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Finding that the Use of Taxes Allocated from the Southeast Coastal Redevelopment Project for the Purpose of Increasing, Improving, and Preserving the Community’s Supply of Low and Moderate Income Housing Outside the Project Area will be of Benefit to the Project;”*

and

3. Adopt **Agency Resolution No. 338** – *“A Resolution of the Redevelopment Agency of the City of Huntington Beach Adopting Rules Governing Participation and Preferences by Property Owners and Business Occupants for the Southeast Coastal Redevelopment Project.”*

and

4. Adopt City Council **Resolution No. 2002-49** – *“A Resolution of the City Council of the City of Huntington Beach, California, Certifying the Final Environmental Impact Report for the Southeast Coastal Redevelopment Project, Making Certain Findings Regarding the Environmental Impacts of the Project, and Adopting a Mitigation Reporting and Monitoring Program and Statement of Overriding Considerations;”*

and

5. Adopt City Council **Resolution No. 2002-50** – *“A Resolution of the City Council of the City of Huntington Beach Electing to Receive All or a Portion of the Tax Revenues Pursuant to Health and Safety Code Sections 33676 and 33607.5;”*

and

6. Adopt City Council **Resolution No. 2002-51** – *“A Resolution of the City Council of the City of Huntington Beach Finding that the Use of Tax Allocated from the Southeast Coastal Redevelopment Project for the Purpose of Increasing, Improving and Preserving the Community’s Supply of Low and Moderate Income Housing Outside the Project Area will be of Benefit to the Project;”*

and

7. After City Clerk reads by title, approve introduction of **Ordinance No. 3561** – *“An Ordinance of the City Council of the City of Huntington Beach Approving and Adopting the Redevelopment Plan for the Southeast Coastal Redevelopment Project.”*

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Houchen Winchell, Bauer

NOES: Boardman, Cook

ABSENT: None

(City Council) Approved Youth Sports Grant Program Applications (320.10)

The City Council considered a communication from the Community Services Director informing Council that there is a need to review the Youth Sports Grant Program applications for FY 2001/2002 and approve funding recommendations.

Council Member Grace Winchell announced that she was appointed as the Community Services Sub Committee Council liaison and attended the meetings. She spoke relative to the Community Services Commission’s need to complete its task in formulating recommendations to Council. Council Member Winchell further stated that while the proposed recommended actions set forth on the staff report were not voted down, more investigation is required. She also stated her approval of funding for the Huntington Harbour tennis courts, which was the topic of many speakers during the Public Comments portion of the Council meeting.

A motion was made by Bauer, second Dettloff to approve said recommended actions (to follow).

Prior to the vote, City Administrator Silver clarified that every region recommended for funding is located on a school site within a school district that has responsibility for the organization.

Community Services Director Hagan reported on the Public Works Commission position, and how the various organizations meet the grant criteria.

Council Member Boardman suggested that the Public Works Commission should be allowed to do its job, and if it approves said recommendations, a report be made to the full Council.

Discussion was held as to number of the fields on the recommended list that allow for adult use.

A motion was made by Bauer, second Dettloff to approve funding for the following youth sports organizations for fiscal year 2001/2002:

AYSO Region #143	\$28,000	Renovate Robinwood School soccer and baseball field
Friends of Huntington Harbour	\$12,000	Restore tennis courts at Harbour View School
HB Girls Softball	\$17,000	Upgrade Circle View School softball fields
HBHS Baseball Boosters/Huntington Valley Little League	\$5,000	Install permanent fencing on the freshman baseball field at HBHS
HBHS Foundation	\$20,000	Purchase lights for evening swimming at HBHS
Huntington Valley Little League	\$13,000	Replace unsafe fencing on Minor C league field at Wardlow School
Marina Girls Outdoor Sports	\$17,000	Replace unsafe fencing and add brick dust to existing fields at Marina High School
Sea View Little League	\$20,000	Build a new field for coach pitch at LeBard School
South Coast Soccer Club	\$15,000	Add lighting at Edison High School for soccer and football
South Coast Soccer Club	\$3,000	Remove existing backstop and replace with two smaller backstops to create two fields at Dwyer Middle School

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Bauer
 NOES: Cook, Houchen, Winchell
 ABSENT: None

(City Council) Approved Request to Add Santa Ana River Impaired Waterway (Due to Trash) to the California State Water Resources Control Board (CSWRCB) Listing (Clean Water Act) (120.70)

The City Council considered a communication from the Assistant City Administrator informing Council that there is an opportunity to join the City of Newport Beach and Defend the Bay in a request to list the Santa Ana River as an impaired waterway. Approval of this request by the California State Water Resources Control Board (CSWRCB) will assist in creating the basis for an action plan to begin the restoration of the river.

Assistant City Administrator William P. Workman presented a one page PowerPoint slide report, which had been announced earlier by the City Clerk as a Late Communication.

A motion was made by Green, second Boardman to authorize the Mayor to forward a letter to the California State Water Resources Control Board (CSWRCB) seeking to add the Santa Ana

River to the Clean Water Act 303(d) List as an impaired waterway due to trash. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None

(City Council) Adopted Ordinance No. 3560 to Clarify Definitions – Address Refuse Issues – Successful Prosecution of Offenders – Aligns Ordinance with Existing Franchise Agreement with City’s Refuse Hauler (640.10)

After the City Clerk read by title, a motion was made by Green, second Houchen to adopt **Ordinance No. 3560** - *“An Ordinance of the City of Huntington Beach Repealing Chapters 5.40, 5.41, and 8.20 of the Huntington Beach Municipal Code and Adding Chapter 8.21 Thereto Pertaining to Refuse Management.”* Submitted by the Public Works Director. The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
 NOES: None
 ABSENT: None

(City Council) Adopted Ordinance Nos. 3543, 3544 and 3545 – Zoning Map Amendment No. 01-03 of Subareas A through G (General Plan Consistency) (450.20)

A Public Hearing was held and the following ordinances were approved for introduction at the May 20, 2002 Council meeting:

Adopt, by roll call vote, **Ordinance Nos. 3543, 3544 and 3545** after the City Clerk reads by titles:

Ordinance No. 3543 – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning Code and Subdivision Ordinance by Changing the Zoning Designation from RM-O (Medium Density Residential-Oil Overlay) to OS-PR (Open Space-Parks and Recreation) on Real Property Located on the **Northwest Corner of the Intersection of Huntington Street and Wichita Avenue** (Zoning Map Amendment No. 01-03, Sub-Area A);”*

and

Ordinance No. 3544 – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning Code and Subdivision Ordinance by Changing the Zoning Designation from RM (Medium Density Residential) to PS (Public-Semipublic) on Real Property Located on the **Northeast Corner of the Intersection of Clay Avenue and Delaware Street** (Zoning Map Amendment No. 01-03, Sub-Area B);”*

and

Ordinance No. 3545 – *“An Ordinance of the City of Huntington Beach Amending the Huntington Beach Zoning Code and Subdivision Ordinance by Changing the Zoning Designation from IL (Limited Industrial) to PS (Public-Semipublic) on Real Property Located on*

*the Southwest Corner of the Intersection of Garfield Avenue and Huntington Street
(Zoning Map Amendment No. 01-03, Sub-Area C.)"*

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Boardman, Cook, Houchen, Winchell, Bauer
NOES: None
ABSENT: None

**(City Council) Approved Proposal by City of Santa Ana for Adoption of Council Position
by the City Re: Increasing City Membership on the Orange County Transportation
Authority (OCTA) Board (800.45)**

The City Council considered a communication from Council Member Ralph Bauer transmitting the following **Statement of Issue**: As you know, there have been lengthy discussions about increasing city membership on the OCTA Board. Two attempts to pass legislation for proposed changes have failed. The reason the state legislature is involved is that the consolidation of a number of previous transportation boards was done under a state legislative process. Currently, there are three proposals.

Council Member Bauer reported on the three proposals. (Council Member Bauer's memorandum, which sets forth all three proposals, is on file with the Office of the City Clerk, and includes two proposals not adopted by the City Council:)

A motion was made by Dettloff, second Green to accept:

A proposal by Santa Ana, which is the following:

- a. Five city members, one from each supervisor district, elected by cities from within that district rather than at-large by all cities.
- b. Automatic membership from the three largest cities that would be Santa Ana, Anaheim, and Huntington Beach. It is anticipated that Irvine's growth is such that it would eventually replace Huntington Beach.
- c. Elimination of the city at-large position and the alternate. The citizen member and alternate would remain and the four supervisor positions would remain.

The net effect would be to increase city membership from six to eight.

The motion carried by the following roll call vote:

AYES: Green, Dettloff, Houchen, Winchell, Bauer
NOES: Boardman, Cook
ABSENT: None

Council Member Winchell commended the Public Works Department for its successful open house event held June 1, 2002.

Adjournment – City Council/Redevelopment Agency

Mayor Cook adjourned the regular meetings of the City Council/Redevelopment Agency of the City of Huntington Beach to Monday, June 17, 2002, in Room B-8, Civic Center, 2000 Main Street, Huntington Beach, California.

City Clerk and ex-officio Clerk of the City Council of the City of Huntington Beach and Clerk of the Redevelopment Agency of the City of Huntington Beach, California

ATTEST:

City Clerk-Clerk

Mayor-Chairman